

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
<i>Caption in Compliance with D.N.J. LBR 9004-1(b)</i> OBERMAYER REBMANN MAXWELL & HIPPEL LLP Edmond M. George, Esquire Michael D. Vagnoni, Esquire (pro hac vice) Turner Falk, Esquire 1120 Route 73, Suite 420 Mount Laurel, NJ 08054-5108 Telephone: (856) 795-3300 Facsimile: (856) 482-0504 E-mail: edmond.george@obermayer.com michael.vagnoni@obermayer.com turner.falk@obermayer.com Counsel to the Debtor and Debtor in Possession
In re: ALUMINUM SHAPES, L.L.C., Debtor.

Chapter 11

Case No. 21-16520-JNP

NOTICE OF PROPOSED COMPROMISE OR SETTLEMENT OF CONTROVERSY

Aluminum Shapes, L.L.C. (the “Debtor”), by and through its counsel, Obermayer Rebmann Maxwell & Hippel LLP, has filed a motion with the Court to Approve the Settlement by and between Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary”) and the Debtor (the “Motion”).

If you object to the settlement or compromise, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it on the person named below before the hearing date, or appear at the hearing.

ADDRESS OF THE CLERK:
United States Bankruptcy Court
District of New Jersey
401 Market Street
Camden, NJ 08101

If an objection is filed, a hearing will be held before the Honorable Judge Jerrold Poslusny on or before December 28, 2021, in Courtroom 4C, United States Bankruptcy Court, District of New Jersey, 401 Market Street Camden, NJ 08101.

Nature of Action:

Disputes arising from: (i) Adversary No. 21-01353-JNP: Application for an Order to Show Cause staying, and preventing the Secretary from taking any action in, the pending Occupational Safety and Health Review Commission (the "OSHRC") administrative action, on behalf of the Department of Labor - Occupational Safety and Health Administration ("OSHA"), against the Debtor (the "OSHA Action"); and/or an extension of the scope of the automatic stay to include the OSHA Action; and (ii) the OSHA Actions, OSHRC Docket Nos. 17-0646, 17-1380.

Pertinent Terms of Settlement:

- a. The Secretary amends the total proposed penalty of \$1,922,895.00 for Docket No. 17-1380 to \$961,000.00, and amends the total proposed penalty of \$95,063.00 for Docket No. 17-0646 to \$39,000.00, to reflect a total amended proposed penalty of \$1,000,000.00. The citations are hereby affirmed, grouped, and/or vacated, and the penalty is apportioned to the citation items, as reflected in the Settlement Agreement.
- b. The Debtor withdraws its notice of contest as to the citations and proposed penalties as modified.
- c. The amended proposed penalty of \$1,000,000.00 shall not be paid or collected except as provided for by the bankruptcy proceedings.
- d. The Secretary will file an amended Proof of Claim reflecting the \$1,000,000.00 penalty.
- e. The Secretary will also file a stipulation in the bankruptcy matter, capping distribution on his Proof of Claim to \$200,000 until and unless all other unsecured claims in the same class are fully paid. In the event that all other unsecured claims in the same class are fully paid, and more money is available to pay claims in that class, the Secretary's claim will then be paid up to the full amount of \$1,000,000.00.

Objections must be served on, and requests for additional information directed to:

Edmond M. George, Esquire
OBERMAYER REBMANN MAXWELL & HIPPEL LLP
1120 Route 73, Suite 420
Mount Laurel, NJ 08054

Dated: December 6, 2021

By: /s/ Edmond M. George
Edmond M. George, Esquire
Michael D. Vagnoni, Esquire (*pro hac vice*)
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